IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO. 6562 of 2005

Between:

M/s. Kavitha 70MM Theatre, Godhavarikhani,
Karimnagar District, rep. by its Manager, B.Narayana Goud,
S/o. Rama Goud, Godhavari Khani, Karimnagar District.

..... PETITIONER

AND

1. The Assistant Provident Fund Commissioner & Authority

Under Section 7-A. of the Employees Provident Fund and
Miscellaneous Provisions Act.1952, Sub-Regional Office,

Balasamudram, Hanamkonda, Warangal District.
2. The Recovery Officer, Employees Provident Fund,
APSFC Building, Balasamudram, Hanamkonda,

Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in insisting the petitioner to pay the entire amount of P.F. Contributions in lump-sum assessed in proceedings No.AP/SRO/WGL/ENF/REC/ 15499/KRN/-2004/912 dated 25-11-2004 and proceedings No.AP/SRO/WL/ENF/15499/KRN/7A ORDER/2002/395 dated 28.11.2002 as illegal and arbitrary and consequently direct the respondents to permit the petitioner to pay the assessed amount in installments.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent Nos.1 and 2 : MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court at the stage of admission made the following :

O R D E R :

This writ petition is filed seeking to declare the action of the respondents in insisting the petitioner to pay the entire amount of provident fund contributions in lumpsum as assessed in the proceedings dated 25.11.2004 and 28.11.2002 passed under Section 7 A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (for short, 'the Act') as illegal and arbitrary and consequently direct the respondents to permit the petitioner to pay the assessed amount in instalments.

2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The learned Counsel for the petitioner submits that the petitioner is ready to pay the balance amount of Rs.3,14,986/- in 12 monthly instalments for which the learned Standing Counsel appearing for the respondents has not opposed.

4. In view of the submissions made by the learned Counsel for both the parties, writ petition is disposed of directing the petitioner to pay the balance amount of Rs.3,14,986/- as demanded under the proceedings dated 25.11.2004 and 28.11.2002, in twelve (12) equal monthly instalments, commencing from April, 2005. It is made clear that the first instalment shall be paid on or before 10.04.2005 and the petitioner shall continue to pay the further instalments on or before 10th of every month, in default, it is open to the respondents to proceed further and to recover the

amounts due in lump sum in accordance with law.

5. The writ petition is accordingly disposed of. No costs.

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G.ROHINI, J

Dated: 29th March, 2005.

NOTE:

Issue C.C. in two days.

B/O

cs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistant Provident Fund Commissioner & Authority

Under Section 7-A. of the Employees Provident Fund and Miscellaneous Provisions Act.1952, Sub-Regional Office,

Balasamudram, Hanamkonda, Warangal District.

2. The Recovery Officer, Employees Provident Fund, APSFC Building, Balasamudram, Hanamkonda,

Warangal District.

3. 2 CD copies

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